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22 *Attorneys for Defendant Top Rank, Inc.*

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF NEVADA

25 TERENCE CRAWFORD, an individual,

26 Case No. 2:22-cv-00081-APG-EJY

27 Plaintiff,

28 vs.

29 TOP RANK, INC., a Nevada corporation; and
30 Does 1 through 20, inclusive,

31 **DEFENDANT TOP RANK, INC.'S
32 STATEMENT REGARDING REMOVAL**

33 Defendants.

34 Defendant Top Rank, Inc. ("Top Rank"), by and through its undersigned counsel, submits
35 this statement regarding removal pursuant to the Minute Order of the Court entered on January
36 18, 2022 [ECF No. 4].

37 **1. Date on which you were served with a copy of the complaint.**

38 Top Rank was served with a copy of the complaint on January 24, 2022.

39 **2. The date on which you were served with a copy of the summons.**

40 Top Rank was served with a copy of the summons on January 24, 2022.



1 3. **In removals based on diversity jurisdiction, the names of any served defendants who
2 are citizens of Nevada, the citizenship of the other parties, and a summary of
defendant's evidence of the amount in controversy.**

3 Removal is based on diversity jurisdiction.

4 Plaintiff Terence Crawford is and was at all relevant times a resident of Nebraska. *See*
5 Complaint [ECF No. 1] at Exhibit A ¶ 9. Top Rank is the sole defendant in this case. Top Rank
6 is and was at all relevant times a Nevada corporation with a principal place of business in Las
7 Vegas, Nevada. *See id.* at Exhibit A ¶ 10. Thus, there exists complete diversity between the
8 plaintiff and defendant in this case. Furthermore, although Plaintiff filed this lawsuit on January
9 12, 2022, and a summons had been issued to Plaintiff the same day, Plaintiff chose not to serve
10 Top Rank with the summons or complaint until January 24, 2022 (which it did through Top
11 Rank's registered agent for service of process).

12 Top Rank filed a Notice of Removal on January 15, 2022, nine days before being served.
13 Accordingly, removal was proper under 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b)(2). *U.S.*
14 *Bank, N.A. as Tr. to Wachovia Bank Nat'l Ass'n v. Fidelity Nat'l Title Grp., Inc.*, 2021 WL
15 5566538, at *4-*5 (D. Nev. Nov. 29, 2021); *MetLife Home Loans, LLC v. Fidelity Nat'l Title*
16 *Grp, Inc.*, 2021 WL 4096540, at *4-*5 (D. Nev. Sept. 8, 2021); *see also Gibbons v. Bristol-*
17 *Myers Squibb Co.*, 919 F.3d 699, 705 (2d Cir. 2019); *Encompass Ins. Co. v. Stone Mansion Rest.*
18 *Inc.*, 902 F.3d 147, 153 (3d Cir. 2018); *Texas Brine Co., L.L.C. v. Am. Arbitration Ass'n, Inc.*,
19 955 F.3d 482, 487 (5th Cir. 2020); *McCall v. Scott*, 239 F.3d 808, 813, n.2 (6th Cir. 2001); *but*
20 *see Wells Fargo Bank, N.A. as Tr. of Holders of Harborview Mortgage Loan Tr. Mortgage Loan*
21 *Pass-Through Certificates, Series 2006-12 v. Fid. Nat'l Title Group, Inc.*, 2020 WL 7388621, at
22 *4 (D. Nev. Dec. 15, 2020).

23 The Complaint alleges that Crawford seeks “no less than \$4,500,000” for his first breach
24 of contract claim, *see* ¶ 42, and “an amount in excess of \$900,000” for his second breach of
25 contract claim, *see* ¶ 75.

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1 4. **If your notice of removal was filed more than 30 days after you first received a copy**
2 **of the summons and complaint, the reason removal has taken place at this time and**
3 **the date you first received a paper identifying the basis for removal.**

3 Not applicable. Top Rank's Petition of Removal was filed on January 15, 2022, prior to
4 service of the summons and complaint.

5 **5. In actions removed on the basis of the court's jurisdiction in which the state court**
6 **action was commenced more than one year before the date of removal, the reasons**
7 **this action should not summarily be remanded to the state court.**

7 Not applicable. The state court action was commenced on January 12, 2022.

8 **6. The name of any defendant known to have been served before you filed the notice of**
9 **removal who did not formally join in the notice of removal and the reasons they did**
10 **not.**

10 Not applicable. Top Rank is the only named defendant.

11 Dated this 2nd day of February 2022.

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CERTIFICATE OF SERVICE

The undersigned, an employee of Hone Law, hereby certifies that service of the foregoing document was made on the 2nd day of February 2022 via the Court's CM/ECF filing system addressed to all parties on the e-service list.

Candice Ali
Candice Ali, an employee of HONE LAW